

## REMARKS

Claims 3, 6, 8 and 9 have been canceled. Claim 10 has been amended. More specifically, the subject matter of claim 3 has been incorporated into new claim 10.

### 35 U.S.C. 112, second paragraph rejection

Applicants request that the 35 U.S.C. 112, second paragraph rejection be withdrawn from consideration because claim 3 has been deleted.

### 35 U.S.C. 103(a) Rejection

Claims 2 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tanabe et al. in view of Topaly et al.. Applicants disagree.

The Examiner has not established the three basic criteria for establishing a prima facie case of obviousness.

Tanabe et al is an abstract entitled “Increase expression of PDGF receptor  $\beta$  gene in MCT-induced pulmonary hypertensive rats” describing that increased steady-state mRNA levels for PDGFR- $\beta$  were evident in all examined tissues, but were predominantly observed in the pulmonary arteries of the hypertensive rats as compared with the control. There is no teaching or suggestion to treat pulmonary hypertension. In addition, there is no teaching relating to the use of tyrosine kinase inhibitors. A person of ordinary skill in the art would not look to the teachings of Tanabe as suggesting or motivating one to use a protein tyrosine kinase inhibitor to treat a disease, such as pulmonary hypertension.

Applicants argue that the above definitions are knowledge generally available to one of ordinary skill in the art. There is no suggestion or motivations, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings.

There is no teaching or suggestion in Topaly et al to use STI571 for non-oncology purposes. The cell lines used in the experiments were human leukemic cell lines and BCR-ABL positive cell lines. The focus of Topaly was for the treatment of cancer using STI571. This is supported by the experiments relating to cancer and to the discussions of combining STI571 with chemotherapeutic agents for the treatment of specific cancers. Furthermore, according to the on-line glossary at St. Jude Children’s Research Hospital, a “tyrosine kinase inhibitor” is defined as a

“drug that interferes with cell communication and growth and may prevent tumor growth. Some tyrosine kinase inhibitors are used to treat cancer”. A person of ordinary skill in the art would not have been motivated to combine use STI571 for non-oncology purposes. Pulmonary hypertension is a disease not related to cancer. Pulmonary hypertension is the elevated blood pressure in the pulmonary arteries from constriction; causes problems with the blood flow in the lungs, and makes the heart work harder. There is no teaching or suggestion in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the teachings of Topaly and Tanabe to use STI571 for the treatment of pulmonary hypertension.

Applicants respectfully request that this rejection be withdrawn from consideration.

Entry of this Response is respectfully requested.

Should the Examiner have any questions, please contact the undersigned attorney.

Respectfully submitted,

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